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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PLATTE RIVER INSURANCE COMPANY, a
Nebraska corporation,

Plaintiff,

v.

YAN HONG LIU d/b/a C&L ENTERPRISE, a
Nevada individual and sole proprietor; UFP
DKY STORE 102, LLC, a Nevada limited
liability company; BIG BIZ PRO, LLC, a
Nevada limited liability company; DOES I-X;
and ROE Corporations or Business Entities I-X,
inclusive,

Defendants.

YAN HONG LIU dba C&L ENTERPRISE,

Counterclaimant,

v.

PLATTE RIVER INSURANCE COMPANY, a
Nebraska corporation, and DOES 1-10,

Counterdefendants.

Case No.: 2:20-cv-00723-GMN-EJY

**STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR
DISCOVERY**

(FOURTH REQUEST)

Pursuant to Local Rule IA 6-2, and Local Rules 7-1 and 26-3, Plaintiff/Counterdefendant, Platte River Insurance Company (“Platte River”), by and through its counsel, Kurt C. Faux, Esq. of the Faux Law Group, and Defendant/Counterclaimant, Yan Hong Liu dba C&L Enterprise (“C&L”), by and through its counsel, Jason M. Wiley, Esq. and E. Daniel Kidd, Esq. of Wiley Petersen (collectively referred to as the “Parties”), hereby submit the following Stipulation to Extend Discovery Deadlines (Fourth Request) by approximately 30 days from those set forth in the Stipulation and Order for Extension of Time for Discovery (Third Request) [Dkt #39]. This request to extend the discovery deadlines is the Parties’ fourth request.

I. Background

On or about July 9, 2020, the Parties conducted a Rule 26(f) conference. On July 13, 2020, the Parties submitted a Stipulated Discovery Plan & Scheduling Order (“Scheduling Order”), which has been subsequently extended. The last stipulation and order extending discovery [Dkt# 39] set the following deadlines:

| | |
|-----------------------------|-------------------|
| Expert Disclosures | July 5, 2021 |
| Rebuttal Expert Disclosures | August 3, 2021 |
| Discovery Cut-Off | September 3, 2021 |

Plaintiff served an initial disclosure of expert reports. Defendant has retained a rebuttal expert, but Defendant’s expert needs additional time to finish the rebuttal report. Therefore, by this Stipulation, the Parties request an extension of time on the remaining deadlines by approximately 30 days.

II. Discovery Completed

The Parties have completed the following discovery:

1. The Parties conducted a Rule 26(f) conference on July 9, 2020. The Scheduling Order was entered by this Court on July 13, 2020.
2. Platte River provided its Initial Disclosures on or about July 6, 2020.
3. C&L provided its Initial Disclosures on or about July 23, 2020.
4. Platte River served a Subpoena to Testify at a Deposition in a Civil Action on Edward Ciampa on or about September 4, 2020. Mr. Ciampa did not appear.

- 1 5. Platte River served a Subpoena – Custodian of Records for GGP Meadows Mall, LLC
2 on or about September 1, 2020. Plate River has received the subpoenaed documents
3 consisting of 219 pages.
- 4 6. Platte River served a Subpoena – Custodian of Records for Hutchinson & Steffen
5 Attorneys on or about September 2, 2020. Platte River has received the subpoenaed
6 around 500 pages of documents.
- 7 7. Platte River served a Subpoena – Custodian of Records for Nevada State Contractors
8 Board on or about September 8, 2020. Platte River has received the subpoenaed
9 documents which consist of over 2000 pages.
- 10 8. Platte River served a Subpoena – Custodian of Records for Dickey’s Barbecue Pit on or
11 about September 10, 2020. Extensions were granted resulting in those documents being
12 due on November 19, 2020. Dickey’s Barbecue Pit produced on November 20, 2020,
13 documents consisting of over 1,000 pages.
- 14 9. Platte River filed a Notice of Intent to Serve Subpoena to Testify at a Deposition in
15 Civil Action – Robert Cortez Marshall on September 10, 2020. Service attempts have
16 been unsuccessful.
- 17 10. Platte River filed a Notice of Intent to Serve Subpoena to Testify at a Deposition in a
18 Civil Action – Erika Beatty on September 10, 2020. Erika Beatty did not appear.
- 19 11. Platte River served a Subpoena – Custodian of Records for Revcon Construction on
20 about September 16, 2020. Platte River has received the subpoenaed documents.
- 21 12. Platte River received on or about October 28, 2020, documents from Dixie Leavitt
22 Agency dba Leavitt Insurance Agency.
- 23 13. Platte River served written discovery in the form of Requests for Admission, Request
24 for Production of Documents and Interrogatories upon C&L on November 10, 2020. A
25 one-week extension was granted.
- 26 14. C&L has served responses to the First Set of Interrogatories, First Set of Requests for
27 Production, and First Set of Requests for Admission.
- 28 15. Platte River provided its First Supplemental Disclosures on December 30, 2020.

16. Platte River served a Subpoena – Custodian of Records for A-1 National Fire Co., LL on February 8, 2021. Platte River has received the subpoenaed documents.
17. Platte River filed a Notice of Intent to Serve Subpoena – Custodian of Records for City of Las Vegas Department of Building and Safety on January 26, 2021. Service of the Notice was attempted on February 2, 2021. Service has not been completed to date.
18. Platte River served a Subpoena – Custodian of Records for Task Electric on January 28, 2021. Platte River has not yet received any documents per the Subpoena.
19. Platte River served a Subpoena – Custodian of Records for Infinity Air, LLC on January 29, 2021. Platte River has received the subpoenaed documents.
20. Platte River served a Subpoena – Custodian of Records for United Systems Fire Security on February 1, 2021. Platte River has received the subpoenaed documents.
22. C&L submitted its responses to Platte River’s Requests for Production of Documents and Interrogatories on February 5, 2021.
23. C&L has served First Supplemental Disclosure and Second Supplemental Disclosure.
24. Platte River has served its Second Supplemental Disclosure and Third Supplemental Disclosure.
25. Platte River served its initial disclosure of expert reports.

III. Discovery Remaining

The following discovery remains to be completed:

- Rebuttal expert disclosures.
- Deposition of Robert Marshall.
- Deposition of C&L Enterprises.
- Deposition of Yan Hong Liu.
- Deposition of Edward Ciampa.
- Supplemental disclosures and additional discovery as necessary.

IV. Why Discovery Has Not Been Completed

There have been various unanticipated delays in completing the remaining discovery. Defendant has retained a rebuttal expert. However, the rebuttal report will not be ready for disclosure

by the current rebuttal expert disclosure deadline of August 3, 2021. Therefore, an extension of time is needed on the remaining discovery deadlines.

V. There Is Good Cause to Extend the Discovery Deadlines

Requests for extensions of time must be supported by a showing of good cause. LR 26-3. In this case the rebuttal expert deadline is August 3, 2021. Defendant has retained a rebuttal expert. Additional time is needed for the rebuttal expert to complete the report. Therefore, the Parties request that the remaining deadlines be extended by approximately 30 days. The Parties stipulate and agree that good cause exists to extend the discovery deadlines as demonstrated above.

VI. Proposed Discovery Schedule

The Parties proposed the following extension on the remaining deadlines:

| | <u>Current Deadline</u> | <u>Proposed Deadline</u> |
|-----------------------------|-------------------------|--------------------------|
| Rebuttal Expert Disclosures | August 3, 2021 | September 3, 2021 |
| Discovery Cut-Off | September 3, 2021 | October 4, 2021 |
| Dispositive Motions | October 4, 2021 | November 4, 2021 |

IT IS SO STIPULATE AND AGREED.

DATED this 30th day of July, 2021.

THE FAUX LAW GROUP

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DATED this 2nd day of August, 2021.

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ORDER

Based on the foregoing Stipulation and good cause being established, it is hereby ordered that the remaining discovery deadlines are extended to the following:

Rebuttal Expert Disclosures September 3, 2021

Discovery Cut-Off October 4, 2021

Dispositive Motions November 4, 2021

IT IS SO ORDERED.


United States Magistrate Judge

Dated: August 2, 2021